

## **PLANNING COMMISSION MINUTES**

**July 10, 2012**

**6:00 p.m.**

Present: Chairman Tom Smith, Vice Chairman Dave Badham, Michael Allen, Von Hill, City Council Representative Beth Holbrook, City Manager/City Attorney Russell Mahan, City Engineer Paul Rowland, Assistant City Engineer Lloyd Cheney, Planning Director Aric Jensen and Recording Secretary Connie Feil.

Absent: Sean Monson.

Chairman Tom Smith welcomed all those present and explained the process and procedures of the Planning Commission. Boy Scouts were present and Aric Jensen explained the items on the agenda to those Scouts.

Beth Holbrook made a motion to approve the minutes for June 19, 2012 as written. Dave Badham seconded the motion and voting was unanimous in favor.

### **1. Consider amended site plan for 1692 N. 200 W., Robert Gibson, applicant.**

Robert Gibson, applicant, was present. Aric Jensen explained that Robert Gibson is requesting an amended site plan approval for Stone Creek Village PUD, located at 1692 North 200 West. This property was part of an earlier proposal that would have created a Phase 2 of the Aliwood Condominiums. Due to issues with the Aliwood Homeowners' Association, Mr. Gibson is proposing to amend the site plan to make it a freestanding project.

The property is located in an RM-13 zone, and is approximately 0.52 acres in size, resulting in a maximum of 4 dwelling units. Mr. Gibson is proposing a driveway on the north side of the property and 2 duplexes facing a center driveway that runs north/south. The units will be substantially similar in appearance to the previously approved project. Onsite detention will need to be addressed in the final site plan. A landscaping plan has been submitted.

Mr. Jensen explained that in addition to the onsite detention and general redline corrections; the following are items that will need to be addressed before this project can receive final approval:

1. The driveways in front of the units and in the visitor parking area need to be extended to a minimum of 20' (currently shown as 18' and 15'). This may require moving and/or adjusting the shape of some of the units.
2. A new building elevation and material board is required, reflecting the configuration of the units.
3. An area calculation table showing the area of hardsurfacing, landscaping, and parking spaces, is required.
4. A different project name is necessary because there is an existing Stone Creek Village apartment development.

Staff recommended preliminary site plan approval for Stone Creek Village PUD with the condition that all redline corrections are made, that onsite detention is provided, and that the listed items of concern are addressed to the satisfaction of the Planning Commission at the time of final approval.

Mr. Gibson explained that he desires to have a high quality project and will provide mature trees and shrubs for privacy and he has changed the name of the project to Stone Creek Court.

There was a brief discussion regarding the water detention, fencing and landscaping on 200 West.

Dave Badham made a motion to recommend to the City Council preliminary amended site plan approval for 1692 N. 200 W. subject to the conditions set forth by Staff. Beth Holbrook seconded the motion and voting was unanimous in favor.

## **2. PUBLIC HEARING – Consider a variance to allow building on reduced setbacks located at 253 South 200 East, Allen Larsen, applicant.**

Allen Larsen, applicant, was present. Aric Jensen explained that Allen Larsen is requesting a variance from the provisions of section 14-4-105 (A.), (B.), (D.) of the Bountiful City Land Use Ordinance so that he may construct a home closer to the front and side property lines than currently allowed by ordinance. The property is an abnormally narrow lot (41 ft wide) in the Plat A or “Historic Fort” area of the City, which itself is a conglomeration of lot sizes and building setbacks established over the past 100+ years.

The property is currently improved with an existing dwelling that was built in 1919 which has no redeeming historical value. Mr. Larsen would like to demolish the existing dwelling and build a new one in approximately the same location. Due to the narrowness of the lot, Mr. Larsen can only build a single car attached garage, while the current City ordinance requires a minimum of two covered, off-street parking spaces. In order to meet the City requirement, Mr. Larsen is proposing to also build a detached garage in the rear yard, and is petitioning the Commission to allow him to construct a driveway that is 10 feet wide instead of the minimum 12 feet required by ordinance. Mr. Jensen further explained that the new dwelling would have a 5ft. side yard on the south and a 10ft. side yard on the north side of the property.

Staffs opinion is that Mr. Larsen has shown that he meets all of the necessary criteria such that the Commission may grant a variance with the following findings:

1. First, literal enforcement of the ordinance would create an unnecessary hardship for the applicant by limiting him to a floor plan that is functionally untenable.
2. Second, the subject property is only 41 feet wide, which is 29 feet narrower than the current standard of 70 feet.
3. Third, the proposal is not contrary to the general plan which calls for single family development, it does not create a new building lot or otherwise grant the various property owners any rights above and beyond those belonging to

adjoining property owners, and approving the requested variance would provide substantial justice for the property owner.

4. Fourth, in regards to Section 10-9a-707 (2)(b - c), the hardship is located on the property and is the result of circumstances peculiar to the property.
5. Fifth, approval of the requested variance would not allow any additional uses not already permitted within the R-4 Single-Family zone, and would not be contrary to any provision of the Land Use Ordinance.
6. Sixth, the two adjacent dwellings, and many other dwellings in the area, have front yard setbacks of 20 feet or less.
7. Seventh and lastly, the existing dwelling and the adjacent dwelling to the north both enjoy a side yard setback of approximately 5 feet, as do many other dwellings in the area.

Mr. Larsen mentioned that there are properties in the neighborhood that have 4 and 5ft sideyard setbacks.

The public hearing was opened for all those with comments or concerns.

Laaree McGarry, residing at 232 E. 200 S., had concerns about the location of the garage and if Mr. Larsen was going to live in the home or is it going to be used as a rental property. Mr. Larsen explained that the garage will be 3ft from the property line in the rear of the property and he plans on living in the home.

Brad McGarry, residing at 232 E. 200 S., had concerns with the over head power lines. Mr. Jensen explained that if there is an easement the garage will have to moved back off of that easement.

Jay D. Hill, residing at 257 S. 200 E., also asked if the home would be used as a single home or multi-family use. Mr. Larsen answered that it was just for a single family home.

The public hearing was closed without any further comments or concerns.

Von Hill made a motion to approve the variance with the findings recommended by Staff. Beth Holbrook seconded the motion and voting was unanimous in favor.

### **3. PUBLIC HEARING – Discuss revisions to Title 14, Bountiful City Land Ordinance.**

Mr. Jensen explained that there will not be any information on Title 14 until August 7<sup>th</sup> but a motion will need to be made to postpone the public hearing until that time.

Beth Holbrook made a motion to postpone the public hearing for revisions to Title 14 until August 7, 2012. Michael Allen seconded the motion and voting was unanimous in favor.

Mr. Jensen explained that Brian Knowlton has submitted plans for his project on 305 N. Main. After reviewing the plans with Mr. Rowland the project will be considered at the August 7<sup>th</sup> Planning Commission meeting.

**4. Planning Director's report and miscellaneous business.**

Mr. Jensen had no further business to discuss.

Meeting adjourned at 6:50 pm